IN THE CLAIMS:

1. (Currently amended) A method of improving glyphosate tolerance in a wheat plant comprising:

   (1) constructing a DNA construct comprising a first and a second expression cassette, wherein said first expression cassette in operable linkage comprises (i) a rice actin 1 promoter; (ii) a ~~rise~~ rice actin 1 intron; (iii) a chloroplast transit peptide encoding DNA molecule; (iv) a glyphosate tolerant EPSPS encoding DNA molecule; and (v) a transcriptional terminator DNA molecule; and said second expression cassette comprising in operable linkage (a) a CaMV 35S promoter; (b) a Hsp70 intron; (c) a chloroplast transit peptide encoding DNA molecule; (d) a glyphosate tolerant EPSPS encoding DNA molecule; and (e) a transcriptional terminator DNA molecule; and

   (2) transforming a wheat cell with said DNA construct; and

   (3) regenerating said wheat cell into a wheat plant or wheat plants; and

   (4) treating said wheat plants with an effective dose of glyphosate; and

   (5) selecting fertile wheat plants that are vegetative and reproductive tolerant to glyphosate.

2. A fertile glyphosate tolerant wheat plant produced by the method of claim 1.

3. (Currently amended) ~~The progeny seeds~~ A seed of the glyphosate tolerant wheat plant of claim 2, wherein said seed comprises the construct of claim 1.

4-21. (Canceled).

22. (New) A glyphosate tolerant wheat plant comprising a DNA construct comprising a first and a second expression cassette, wherein said first expression cassette in operable linkage comprises (i) a rice actin 1 promoter; (ii) a rice actin 1 intron; (iii) a chloroplast transit peptide encoding DNA molecule; (iv) a glyphosate tolerant EPSPS encoding DNA molecule; and (v) a transcriptional terminator DNA molecule; and said second expression cassette comprising in operable linkage (a) a CaMV 35S promoter; (b) a Hsp70 intron;

(c) a chloroplast transit peptide encoding DNA molecule; (d) a glyphosate tolerant EPSPS encoding DNA molecule; and (e) a transcriptional terminator DNA molecule;

23. (New) A seed of the glyphosate tolerant wheat plant of claim 22, wherein said seed comprises the DNA construct.